

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FELIXBERTO BERNAL,

15 CV 00889

Plaintiff,

VERIFIED ANSWER

-against-

PRIYA RANA a.k.a. PNYA RANA and
PERCEPT CONSULTING, INC. d/b/a
iPERCEPT CONSULTING,

Defendants.
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Defendants Priya Rana a.k.a Pnya Rana and Percept Consulting, Inc. d/b/a iPercept Consulting (hereinafter collectively "Rana", by and through their attorneys, Pitchayan & Associates, P.C., for its' Verified Answer and Counterclaim to the Complaint of the Plaintiffs states the following:

1. Lacks information or knowledge sufficient to form a belief as to the allegations of paragraph "1" of the Complaint.
2. Admits the allegation of paragraph "2" of the Complaint.
3. Denies the allegations of paragraph "3" of the Complaint.
4. Admits the allegations of paragraph "4" of the Complaint.
5. Admits the allegations of paragraph "5" of the Complaint.
6. Admits the allegations of paragraph "6" of the Complaint.
7. Denies the allegations of paragraph "7" of the Complaint.
8. Admits the allegations of paragraph "8" of the Complaint.
9. Admits the allegations of paragraph "9" of the Complaint.
10. Denies the allegation in paragraph "10".

11. Lacks information or knowledge sufficient to form a belief as to the truth of the allegation in paragraph "11".
12. Admits the allegations of paragraph "12" of the Complaint.
13. Admits the allegations of paragraph "13" of the Complaint.
14. Admits the allegation in paragraph "14".
15. Denies the allegations in paragraph "15".
16. Denies the allegations in paragraph "16".
17. Denies the allegations of paragraph "17" of the Complaint.
18. Denies the allegations of paragraph "18" of the Complaint.
19. Denies the allegations of paragraph "19" of the Complaint.
20. Denies the allegations of paragraph "20" of the Complaint.
21. Denies the allegations of paragraph "21" of the Complaint.
22. Denies the allegations of paragraph "22" of the Complaint.
23. Denies the allegations of paragraph "23" of the Complaint.
24. Denies the allegations of paragraph "24" of the Complaint.
25. Denies the allegations of paragraph "25" of the Complaint.
26. Admits the allegations of paragraph "26" of the Complaint.
27. Denies the allegations of paragraph "27" of the Complaint.
28. Denies the allegations of paragraph "28" of the Complaint.
29. Denies the allegations of paragraph "29" of the Complaint.
30. Denies the allegations of paragraph "30" of the Complaint.
31. Denies the allegations of paragraph "31" of the Complaint.
32. Denies the allegations of paragraph "32" of the Complaint.

33. Denies the allegations of paragraph “33” of the Complaint.
34. Denies the allegations of paragraph “34” of the Complaint.
35. Denies the allegations of paragraph “35” of the Complaint.
36. Denies the allegations of paragraph “36” of the Complaint.
37. Denies the allegations of paragraph “37” of the Complaint.
38. Denies the allegations of paragraph “38” of the Complaint.
39. Denies the allegations of paragraph “39” of the Complaint.
40. Denies the allegations of paragraph “40” of the Complaint.
41. Denies the allegations of paragraph “41” of the Complaint.
42. Denies the allegations of paragraph “42” of the Complaint.
43. Denies the allegations of paragraph “43” of the Complaint.
44. Denies the allegations of paragraph “44” of the Complaint.
45. Denies the allegations of paragraph “45” of the Complaint.
46. Denies the allegations of paragraph “46” of the Complaint.
47. Denies the allegations of paragraph “47” of the Complaint.
48. Denies the allegations of paragraph “48” of the Complaint.
49. Denies the allegations of paragraph “49” of the Complaint.
50. Denies the allegations of paragraph “50” of the Complaint.
51. Denies the allegations of paragraph “51” of the Complaint.
52. Denies the allegations of paragraph “52” of the Complaint.
53. Denies the allegations of paragraph “53” of the Complaint.
54. Denies the allegations of paragraph “54” of the Complaint.
55. Denies the allegations of paragraph “55” of the Complaint.

- 56. Denies the allegations of paragraph “56” of the Complaint.
- 57. Denies the allegations of paragraph “57” of the Complaint.
- 58. Lacks information or knowledge sufficient to form a belief as to the allegations of paragraph “58” of the Complaint.
- 59. Denies the allegations of paragraph “59” of the Complaint.
- 60. Denies the allegations of paragraph “60” of the Complaint.
- 61. Denies the allegations of paragraph “61” of the Complaint.
- 62. Denies the allegations of paragraph “62” of the Complaint.
- 63. Denies the allegations of paragraph “63” of the Complaint.
- 64. Denies the allegations of paragraph “64” of the Complaint.
- 65. Denies the allegations of paragraph “65” of the Complaint.
- 66. Denies the allegations of paragraph “66” of the Complaint.
- 67. Denies the allegations of paragraph “67” of the Complaint.
- 68. Denies the allegations of paragraph “68” of the Complaint.
- 69. Denies the allegations of paragraph “69” of the Complaint.
- 70. Denies the allegations of paragraph “70” of the Complaint.
- 71. Denies the allegations of paragraph “71” of the Complaint.
- 72. Denies the allegations of paragraph “72” of the Complaint.
- 73. Denies the allegations of paragraph “73” of the Complaint.
- 74. Denies the allegations of paragraph “74” of the Complaint.
- 75. Denies the allegations of paragraph “75” of the Complaint.
- 76. Denies the allegations of paragraph “76” of the Complaint.
- 77. Admits the allegations of paragraph “77” of the Complaint.

- 78. Denies the allegations of paragraph “78” of the Complaint.
- 79. Denies the allegations of paragraph “79” of the Complaint.
- 80. Denies the allegations of paragraph “80” of the Complaint.
- 81. Denies the allegations of paragraph “81” of the Complaint.
- 82. Denies the allegations of paragraph “82” of the Complaint.
- 83. Denies the allegations of paragraph “83” of the Complaint.
- 84. Denies the allegations of paragraph “84” of the Complaint.
- 85. Denies the allegations of paragraph “85” of the Complaint.
- 86. Denies the allegations of paragraph “86” of the Complaint.
- 87. Denies the allegations of paragraph “87” of the Complaint.
- 88. Admits the allegations of paragraph “88” of the Complaint.
- 89. Admits the allegations of paragraph “89” of the Complaint.
- 90. Admits the allegations of paragraph “90” of the Complaint.
- 91. Denies the allegations of paragraph “91” of the Complaint.
- 92. Denies the allegations of paragraph “92” of the Complaint.
- 93. Denies the allegations of paragraph “93” of the Complaint.
- 94. Denies the allegations of paragraph “94” of the Complaint.
- 95. Denies the allegations of paragraph “95” of the Complaint.
- 96. Denies the allegations of paragraph “96” of the Complaint.
- 97. Denies the allegations of paragraph “97” of the Complaint.
- 98. Denies the allegations of paragraph “98” of the Complaint.
- 99. Denies the allegations of paragraph “99” of the Complaint.
- 100. Denies the allegations of paragraph “100” of the Complaint.

101. Denies the allegations of paragraph “101” of the Complaint.
102. Denies the allegations of paragraph “102” of the Complaint.
103. Denies the allegations of paragraph “103” of the Complaint.
104. Denies the allegations of paragraph “104” of the Complaint.
105. Denies the allegations of paragraph “105” of the Complaint.
106. Denies the allegations of paragraph “106” of the Complaint.
107. Denies the allegations of paragraph “107” of the Complaint.
108. Denies the allegations of paragraph “108” of the Complaint.
109. Lacks information or knowledge sufficient to form a belief as to the allegations of paragraph “109” of the Complaint.
110. Denies the allegations of paragraph “110” of the Complaint.
111. Denies the allegations of paragraph “111” of the Complaint.
112. Denies the allegations of paragraph “112” of the Complaint.
113. Denies the allegations of paragraph “113” of the Complaint.
114. Denies the allegations of paragraph “114” of the Complaint.
115. Lacks knowledge or information sufficient to form a belief as to the allegations of paragraph “115” of the Complaint.
116. Denies the allegations of paragraph “116” of the Complaint.
117. Denies the allegations of paragraph “117” of the Complaint.
118. Denies the allegations of paragraph “118” of the Complaint.
119. Denies the allegations of paragraph “119” of the Complaint.
120. Denies the allegations of paragraph “120” of the Complaint.
121. Denies the allegations of paragraph “121” of the Complaint.

122. . Lacks knowledge or information sufficient to form a belief as to the allegations in paragraph "122" of the Complaint.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a cause of action upon which relief can be granted.
2. The defendants paid to the plaintiffs all statutorily and legally required compensation for their services.
3. The plaintiff has brought this action in bad faith.
4. The plaintiff has come with unclean hands.
5. The plaintiff has failed to exhaust all available administrative remedies.

STATEMENT OF FACTS

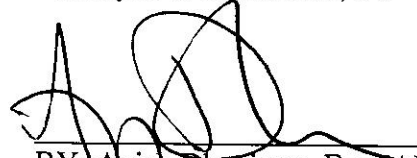
1. Defendant Rana began negotiations with the plaintiff in or around August 1, 2014 for plaintiff to be employed by Defendant.
2. Defendant through an immigration attorney then sponsored the plaintiff for legal status to work for the defendant corporation.
3. Defendant and plaintiff agreed that the plaintiff would begin receiving a salary from September 1, 2014 as required by immigration laws although the plaintiff would not begin actual employment for Rana until November 1, 2014.
4. The reason the plaintiff could not begin actual employment for Rana at the time the employment agreement was entered into was that the plaintiff was employed for another company until October 2014.
5. Plaintiff began actual instructions for defendant on or about November 2014.

6. Over the course of the plaintiff's employment, plaintiff would typically work 15-20 hours per week depending on the amount of classes scheduled and students signed up.
7. On or about December 2014, plaintiff alerted Rana that they had intentions of leaving employment with Rana and would be seeking employment elsewhere.
8. Rana asked that plaintiff give them sufficient time to seek another instructor so that the business would not suffer.
9. Plaintiff then left the employment of Rana.
10. At all times mentioned, the plaintiff was paid his statutorily and agreed upon wages.

WHEREFORE, it is respectfully requested that the Complaint against the defendants be dismissed in its entirety together with costs and disbursements, and for such and further relief as this Court may deem just and proper.

Dated: Jackson Heights, New York
March 20, 2015
Yours, etc.

Pitchayan & Associates, PC



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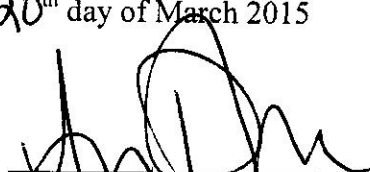
VERIFICATION

STATE OF NEW YORK, COUNTY OF QUEENS, ss:

I am the Defendant in the within action. I have read the foregoing Verified Answer and I know the contents thereof. The contents of the Verified Answer are true to my knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.


Priya Rana

Sworn to before me this
20th day of March 2015


Notary Public

AVISH DHANIRAM
Notary Public, State of New York
No. 02DH6244228
Qualified in Queens County
Commission Expires July 5, 2015